

RULE 63 (37 CFR 1.63)  
DECLARATION  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As the below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe that, I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "AUTOMOBILE SEAT PROTECTOR", the specification of which is identified as Attorney File No. 2001-01 and attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Day/Month/Year Filed	Priority Claimed	
Number	Country		Yes	No
NONE				

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: <u>patented, pending, abandoned</u>
NONE		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1)

Inventor's Signature: 

Date:

8-17-01

Inventor's Name (typed):

Christopher John Marshall

Citizenship:

United States of America

Residence:

16532 Wikiup Road  
Ramona, California 92065

Post Office Address\*:

Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

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37 CFR §1.56(a) and (b)  
DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:  
Christopher John Marshall  
Serial No.: Not Yet Assigned  
Filed: August 17, 2001  
Atty. File No.: 2001-01  
For: "AUTOMOBILE SEAT PROTECTOR"

Group Art Unit: Unknown

Examiner: Unknown

SUBMISSION OF  
POWER OF ATTORNEY  
(37 C.F.R. 1.34(b))

**"EXPRESS MAIL" MAILING LABEL NUMBER: EF102968673US**  
**DATE OF DEPOSIT: August 17, 2001**

I HEREBY CERTIFY THAT THIS NEW APPLICATION AND THE DOCUMENTS REFERRED TO AS ENCLOSED THEREIN ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME

~~MARK H. SNYDER~~

**SIGNATURE:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In accordance with 37 CFR 1.34(b), enclosed please find a Power of Attorney for filing in connection with the above-identified patent application.

Respectfully Submitted,

By:

Mark H. Snyder  
Registration No. 37,239  
375 Walnut Avenue  
Unit E  
Carlsbad, California 92008  
(760) 720-1155

Date:

Date: 17 August 2001

**SECRET**

POWER OF ATTORNEY

I, Christopher Marshall, being the original and sole inventor of and owning all right, title and interest in the invention entitled "AUTOMOBILE SEAT PROTECTOR", for which application for Letters Patent of the United States has been made by myself, said application being identified as Attorney File No. 2001-01 and executed on even date herewith, do hereby appoint Mark H. Snyder, Registration No. 37,239 of 375 Walnut Avenue, Unit E, Carlsbad, California, 92008, (760) 720-1155, as my attorney and agent with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

By:   
Christopher Marshall

Dated: 8-17-01

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